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OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 148

On the principles to be observed in interpreting Articles 25 and 34 of the International Code in relation to the availability of generic names proposed as emendations of, or as substitutes for, earlier generic names of the same origin and meaning

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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* This vacancy was caused by the death on 23rd May, 1939, of Dr. Witmer STONE (U.S.A.).

† This vacancy was caused by the death on 24th January, 1941, of Dr. Charles Wardell STILES (U.S.A.), *Vice-President of the Commission* and former Secretary to the Commission (1897-1935).



OPINION 148.

ON THE PRINCIPLES TO BE OBSERVED IN INTERPRETING ARTICLES 25 AND 34 OF THE INTERNATIONAL CODE IN RELATION TO THE AVAILABILITY OF GENERIC NAMES PROPOSED AS EMENDATIONS OF, OR AS SUBSTITUTES FOR, EARLIER GENERIC NAMES OF THE SAME ORIGIN AND MEANING.

SUMMARY.—The following principles are to be observed in interpreting Articles 25 and 34 of the International Code in relation to the availability of generic names proposed as emendations of, or as substitutes for, earlier generic names of the same origin and meaning :—

- (1) A generic name published as an emendation of an earlier name of the same origin and meaning is to be rejected as a synonym of the earlier name, and the type of the genus bearing the emended name is automatically the same species as the type of the genus bearing the earlier name so proposed to be emended. Example : *Achatinus* de Montfort, 1810, being an emendation of *Achatina* Lamarck, 1799, is to be rejected as a synonym of *Achatina* Lamarck ; the type of *Achatinus* de Montfort is automatically the same species as the type of *Achatina* Lamarck.
- (2) A generic name is to be rejected as a homonym if it has previously been published as an emendation of another generic name of earlier date. Example : *Borus* Albers, 1850 (Mollusca) is to be rejected as a homonym of *Borus* Agassiz, 1846, an emendation of *Boros* Herbst, 1797 (Coleoptera).
- (3) A generic name published as a substitute (nomen novum) for a name rejected by reason of its being a homonym is not itself to be rejected on the ground that it is of the same origin and meaning as the name for which it has been proposed as a substitute. Example : *Protodryas* Reuss, 1928, was published as a substitute for *Prodryas* Reuss, 1926, which is invalid, as it is a homonym of *Prodryas* Scudder, 1878 ; as such, *Protodryas* Reuss is available, although it is of the same origin and meaning as *Prodryas* Reuss. If, however, *Protodryas* Reuss had been published as an emenda-

tion of *Prodryas* Reuss (instead of as a substitute), it would have been a synonym of *Prodryas* Reuss and therefore not available.

- (4) The principles set out in (1) to (3) above in regard to generic names apply equally to subgeneric names.

I.—THE STATEMENT OF THE CASE.

This question was raised at Lisbon by Commissioner Francis Hemming during the discussion, at the meeting of the International Commission held on Tuesday, 17th September 1935 (Lisbon Session, 4th Meeting, Conclusion 14), of the question of the applicability to Article 34 in respect of generic names of the principles laid down in Article 35 in respect of specific names of the same origin and meaning.¹ The following is the statement then submitted by Commissioner Hemming :—

The position of generic names proposed as emendations of, or as substitutes for, earlier generic names of the same origin and meaning.

The decision just taken¹ by the Commission to make it clear that the principles laid down in the concluding portion of Article 35 of the International Code for determining whether a given specific name is a homonym of an earlier specific name of the same origin and meaning apply equally to the determination under Article 34 of corresponding problems when these arise in connection with generic names, removes most of the difficulties which have long embarrassed systematists when attempting to ascertain which of the generic names in their group are available nomenclatorially.

There remains, however, one allied problem which is in urgent need of clarification, namely the status to be accorded to a name published as an emendation of an earlier generic name of the same origin and meaning. The most common type of case in this class is where an author publishes the generic name "*X-us*" and this name is later emended to "*X-a*" or vice versa. I was myself confronted with this problem when during the preparation of my *Generic Names of the Holarctic Butterflies* (published in 1934) I came to consider the names *Argyreus* Scopoli, 1777 (*Intr. Hist. nat.*: 431) and its emendation *Argyrea* Billberg, 1820 (*Enum. Ins.*: 77). Attempts have been made in the past to argue that differences such as alone distinguish the names just referred to are differences only of gender and therefore that the two generic names are identical; but this particular line of approach is clearly unsound since in Latin it is only adjectives that are subject to changes in their terminations according to the gender of the nouns with which they are in agreement and Article 8 expressly provides that generic names are to be treated as nouns in the nominative singular.²

¹ See *Opinion* 147.

² In the French text of the Code Article 8 states that a generic name must be a single word "employé comme substantif au nominatif singulier". The corresponding words in the English text are "employed as a substantive in the nominative singular". Since in any case of doubt the French text is the substantive text and the other texts are to be treated as translations (1897, *Bull. Soc. zool. France* 22: 173), the word "substantive" in the English text of Article 8 must be treated as a translation of the French word "substantif". As a translation, it is defective and the word that should have been used is the word "noun".

Similarly, the concluding portion of Article 35 (in regard to specific names) threw no light on the treatment to be accorded to generic names that differed from one another only in this limited way, since the agreement of specific names, when of adjectival form, with the noun representing the generic name is dealt with in Article 14, which contains no provisions covering the present problem. At that time, therefore, I felt bound to treat *Argyrea* Billberg as an entity distinct from *Argyreus* Scopoli, and, as no type had so far been designated for *Argyrea* Billberg, I myself then selected one of Billberg's originally included species for this purpose (1933, *Entomologist* 66: 197).

It was only later—and then quite by accident—that I discovered that the Commission had settled the principles to be observed in a case of this kind, when in *Opinion* 120 they had given their decision in regard to the status of *Achatinus* de Montfort, 1810, an emendation of *Achatina* Lamarck, 1799 (Mollusca). The decision then taken was announced in the following terms:—

“*Achatinus*, 1810, is emendation of and therefore objective synonym of *Achatina*, 1799; the designation of *zebra* as type of *Achatinus* contravenes Article 30a and c. *Achatinus*, 1810, invalidates any later use of *Achatinus* in a different sense.”

Quite recently the Commission have re-affirmed these principles in an *Opinion* at present awaiting publication,³ the summary of which reads as follows:—

“*Borus* Agassiz, 1846, is an emendation of, and therefore an absolute synonym of, *Boros* Herbst, 1797; *Borus* Albers, 1850, is a dead homonym.”

The attitude of the Commission in this matter is perfectly clear from these *Opinions*. Unfortunately, however, their decision on this important question has been almost completely overlooked through the fact that the Commission did not devote a special *Opinion* to the statement of their decision as a matter of principle applying to names throughout the animal kingdom, but only stated this principle incidentally in the course of an *Opinion* (*Opinion* 120) relating to certain disputed names in a single group (Mollusca), an *Opinion* not likely to be studied in detail by any but specialists in Mollusca.

The request that I now make to the Commission is that they should agree to render an *Opinion* stating in general terms the important decision that they reached on this matter nearly five years ago (January 1931) but which so far has been presented in an inaccessible form in an *Opinion* concerned only with the case of a particular pair of names.

I hope that at the same time the Commission will make it clear that that decision relates only to generic names that are emendations of generic names and does not apply to names expressly published as substitute names (*nomina nova*) for names that are unavailable by reason of being homonyms. I have no reason to doubt that this was the intention of the Commission, but it is important that it should be expressly stated, since there are many substitute names in common use that are of the same origin and meaning as the names which they replaced, and which, if they had been published as emendations of, instead of as substitutes for, the names in question would, under the rule stated in *Opinion* 120, become invalid synonyms and themselves require to be replaced by still other names. An example of this class is provided by the names *Protodryas* Reuss, 1928 “gen. nov.” (*Int. ent. Z.* 22: 146) and *Prodryas* Reuss, 1926 (*Deuts. ent. Z.* 1926 (1): 66) in the same group of the NYMPHALIDAE as the genera already referred

³ See *Opinion* 125.

to (*Argyreus* Scopoli and *Argyrea* Billberg). *Prodryas* Reuss is invalid as it is a homonym of *Prodryas* Scudder, 1878 (*Bull. U.S. Geol. geogr. Survey* 4: 520); it was therefore replaced by the substitute name *Protodryas* Reuss. As a substitute name, *Protodryas* Reuss is available; but, if it had been published as an emendation of *Prodryas* Reuss (instead of as a substitute for that name) it would, under *Opinion* 120, have become a synonym of *Prodryas* Reuss and therefore unavailable nomenclatorially.

II.—THE CONCLUSION REACHED BY THE INTERNATIONAL COMMISSION.

2. On the general issue involved the Commission was unanimously of the view that, when the Commission reached a decision on a question of interest to the general body of zoologists, it was of the greatest importance that that decision should be presented in such a way to ensure that it was most readily available to all concerned. In the particular case raised by Commissioner Hemming, the Commission agreed (Lisbon Session, 4th Meeting, Conclusion 15):—

to render an *Opinion* restating in general terms the decision embodied in *Opinion* 120 in regard to the status of a generic or subgeneric name published as an emendation of an earlier generic or subgeneric name of the same origin and meaning, and making it clear that that decision did not apply to a name expressly published as a substitute name (*nomen novum*), even when that name was of the same origin and meaning as the name replaced.

3. At the same meeting as that at which the foregoing decision was taken (Lisbon Session, 4th Meeting, Conclusion 17), Commissioner Hemming, who, in the absence through ill-health of Dr. C. W. Stiles, Secretary to the Commission, had been charged with the duty of preparing the report to be submitted by the Commission to the Twelfth International Congress of Zoology, reported that, in accordance with the request made by the Commission on the previous day (Lisbon Session, 3rd Meeting, Conclusion 3(b)), he had made a start with the drafting of the Commission's report; that he had made considerable progress in spite of being hampered by the lack of standard works of reference; and that he did not doubt that he would be in a position to lay a draft report before the Commission at their next meeting, though in the time available it would be quite impracticable to prepare the drafts of paragraphs relating to all the matters on which decisions had been reached during the Lisbon Session of the Commission. As agreed upon at the meeting referred to above

(Lisbon Session, 3rd Meeting, Conclusion 3(a)(iii)), he was therefore concentrating upon those matters that appeared to be the more important. Commissioner Hemming proposed that those matters which it was found impossible to include in the report, owing to the shortness of the time available, should be dealt with after the Congress on the basis of the records in the *Official Record of the Proceedings of the Commission* during their Lisbon Session. For this purpose, Commissioner Hemming proposed that all matters unanimously agreed upon during the Lisbon Session should be treated in the same manner, whether or not it was found possible to include references to them in the report to be submitted to the Congress, and therefore that every such decision should be treated as having been participated in by all the Commissioners and Alternates present at Lisbon. The Commission took note of, and approved, the statement by Commissioner Hemming, and adopted the proposals submitted by him, as recorded above, in regard to the selection of items to be included in their report to the Twelfth International Congress of Zoology and to the procedure to be adopted after the Congress in regard to those matters with which, for the reasons explained, it was found impossible to deal in that report.

4. The question dealt with in the present *Opinion* was one of the matters to which it was found impossible, in the time available, to include a reference in the report submitted by the Commission to the Twelfth International Congress of Zoology at Lisbon. It is therefore one of the matters which falls to be dealt with under the procedure agreed upon by the Commission set out in paragraph 3 above.

5. The present *Opinion* was concurred in by the twelve (12) Commissioners and Alternates present at the Lisbon Session of the International Commission, namely :—

Commissioners :—Calman; Hemming; Jordan; Pellegrin; Peters; and Stejneger.

Alternates :—do Amaral *vice* Cabrera; Ohshima *vice* Easki; Bradley *vice* Stone; Beier *vice* Handlirsch; Arndt *vice* Richter; and Mortensen *vice* Apstein.

5. The present *Opinion* was dissented from by no Commissioner or Alternate at the Lisbon Session. The following five (5) Commissioners who were not present at Lisbon nor represented thereat by Alternates did not vote on the present *Opinion* :—

Bolivar y Pieltain; Chapman; Fantham; Silvestri; and Stiles.

III.—AUTHORITY FOR THE ISSUE OF THE PRESENT
OPINION.

WHEREAS the By-Laws of the International Commission on Zoological Nomenclature provide that, except in cases involving the suspension of the rules, an *Opinion* is to be deemed to have been adopted by the said International Commission as soon as a majority of the Members of the Commission, that is to say ten (10) Members of the said Commission have recorded their votes in favour thereof, provided that, where any proposed *Opinion* involves a reversal of any former *Opinion* rendered by the Commission, such proposed *Opinion* shall obtain the concurrence of at least fourteen (14) Members of the Commission voting on the same before such *Opinion* is to be deemed to have been adopted by the Commission; and

WHEREAS the present *Opinion*, as set out in the summary thereof, neither requires, in order to be valid, the suspension of the rules, nor involves a reversal of any former *Opinion* rendered by the Commission; and

WHEREAS twelve (12) Members of the Commission have signified their concurrence in the present *Opinion* either in person or through Alternates at the Session of the Commission held in Lisbon in September 1935 :

NOW, THEREFORE,

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, acting in virtue of all and every the powers conferred upon me by reason of holding the said Office of Secretary to the International Commission, hereby announce the said *Opinion* on behalf of the International Commission, acting for the International Congress of Zoology, and direct that it be rendered and printed as *Opinion* Number One Hundred and Forty Eight (*Opinion* 148) of the said Commission.

In faith whereof, I, the undersigned FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, have signed the present *Opinion*.

DONE in London, this tenth day of March, Nineteen Hundred and Forty Three, in a single copy, which shall remain deposited in the archives of the International Commission on Zoological Nomenclature.

*Secretary to the International Commission
on Zoological Nomenclature.*

FRANCIS HEMMING

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- OPINION 149. Twenty-one names in the Orthoptera (Insecta) added to the *Official List of Generic Names in Zoology*.
- OPINION 150. On the dates of publication of the several portions of Hübner (J.), *Verzeichniss bekannter Schmettlinge* [sic], 1816–[1826].
- OPINION 151. On the status of the names *Lasius* Panzer, [1801–1802], *Podalirius* Latreille, 1802, *Lasius* Fabricius, [1804–1805] and *Anthophora* Latreille, 1803 (Insecta, Hymenoptera).
- OPINION 152. On the status of the generic names in the Order Diptera (Insecta) first published in 1800 by J. W. Meigen in his *Nouvelle Classification des Mouches à deux ailes*.
- OPINION 153. On the status of the names *Bethylus* Latreille, [1802–1803], and *Dryinus* Latreille, [1804] (Insecta, Hymenoptera).
- OPINION 154. On the status of the names *Phaneroptera* Serville, 1831, and *Tylopsis* Fieber, 1853 (Insecta, Orthoptera).
- OPINION 155. On the status of the names *Callimome* Spinola, 1811, *Misocampe* Latreille, 1818, and *Torymus* Dalman, 1820 (Insecta, Hymenoptera).
- OPINION 156. Suspension of the rules for *Vanessa* Fabricius, 1807 (Insecta, Lepidoptera).
- OPINION 157. Three names in the Hymenoptera (Insecta) added to the *Official List of Generic Names in Zoology*.
- OPINION 158. On the status of the name *Locusta* Linnaeus, 1758 (Insecta, Orthoptera).

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